



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM21/1109

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/122,861	02/04/94	013	JOHNSON, N	1642 11/09/98
First Named Applicant	L.E. 33 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: METHODS OF TREATING TNFA-MEDIATED DISEASE USING CHIMERIC ANTI-TNF ANTIBODIES (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 LE1VILCEK3E	424-133.100	1.28	UTILITY	NO	\$1320.00	02/09/99

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Carolyn Elmore on 10/26/98.

2. The application has been amended as follows:

~~-Claims 113-116 were canceled.~~

3. The application has been amended by informal examiner's amendment as follows:

~~✓~~ On p.11, line 19, "Figure 8 provides" was changed to --Figures 8A and 8B provide--.

~~✓~~ On p.11, line 22, "Figure 9 is a graph" was changed to --Figure 9A and 9B are graphs--.

~~✓~~ On p.11, line 25, "Figure 10 is a graph" was changed to --Figure 10A and 10B are graphs--.

~~✓~~ On p.16, line 12, "Figures 33A-B are" was changed to --Figures 33A-H are--.

4. The following is an examiner's statement of reasons for allowance:

The rejection of claims 110-112 and 117-126 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 5,656,272 or 5,698,195 is withdrawn in view of the terminal disclaimer.

The rejection of claims 123 and 124 under 35 U.S.C. 112, first paragraph, as the specification does not reasonably provide enablement commensurate with the scope of the claims is withdrawn in view of the amendment of claim 123.

The rejection of claim 112 under 35 U.S.C. 112, second paragraph, as being indefinite in the recitation "cA2" is withdrawn in view of the fact that the light chain of the variable region of the cA2 monoclonal antibody has the amino acid sequence of SEQ ID NO:3 and the heavy chain of the variable region has the amino acid sequence of SEQ ID NO:5.

The rejection of claims 110-112 and 117-126 under 35 U.S.C. 103(a) as being unpatentable over any one of either Aggarwal or Shalaby or Brennan or Piquet (1987) or Piquet (1989) or Grau each in view Moller or Rathjen each in combination with either Morrison (1985) or Morrison (1989) is withdrawn. The combined teachings do not make obvious methods of treatment comprising administration of the cA2 chimeric anti-TNF antibody or the administration of chimeric anti-TNF antibodies that: "competitively inhibits binding of TNF to monoclonal antibody cA2," "binds to at least one epitope included in amino acids between 87-108 or both 59-80 and 87-108 of SEQ ID NO:1 of hTNF," wherein "the non-human variable region comprising an amino acid sequence selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:5," or "wherein the non-human variable region comprises a polypeptide encoded by a nucleic acid sequence selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:4,".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Johnson whose telephone number is (703) 305-5860.



TOM R. SCHEINER  
PRIMARY EXAMINER  
GROUP 1800

NAJ

October 27, 1998